

DECLASSIFIED

Authority EG 12958By AR NARA Date 10/27

DECLASSIFIED
PA/HO Department of State
E.O. 12958, as amended
July 12, 2005

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

~~CONFIDENTIAL~~~~THE PRESIDENT HAS SEEN~~ (7313) *A*ACTION

October 26, 1972

MEMORANDUM FOR: THE PRESIDENT

FROM: HENRY A. KISSINGER *K*SUBJECT: Law of the Sea Instructions, 27th Session
U.N. General Assembly

In response to NSDM 177, the Interagency Law of the Sea Task Force has submitted recommended instructions for the U.S. Delegation to the 27th U.N. General Assembly. The primary issue requiring decision is the position the Delegation should take regarding the timing of the Law of the Sea Conference.

By way of background, in 1970, the 25th U.N. General Assembly decided in Resolution 2750C to convene a Law of the Sea Conference in 1973 and charged the U.N. Seabed Committee with preparing for the Conference. The Committee held its fourth preparatory session in July and August 1972, a session which included international agreement on the comprehensive list of issues to be considered at the conference. At present, competing treaty texts have been tabled on issues such as the breadth of territorial sea, freedom of passage through straits, fisheries and seabed resources. Some progress has been made on refining national positions and narrowing differences on questions of substance, but the negotiations of treaty articles has barely begun. The current session of the U.N. General Assembly is responsible for reviewing the Committee's preparatory work and is authorized by the 1970 resolution to postpone the conference if it finds the preparatory work to be insufficient.

The Departments of State, Defense, Commerce and Interior have reviewed the recommendations of the Interagency Law of the Sea Task Force and are generally agreed that the U.S. Delegation to the 27th Session of the United Nations General Assembly should support a resolution:

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CLASSIFIED BY Henry A. Kissinger
SUBJECT TO GENERAL DECLASSIFICATION
SCHEDULE OF EXECUTIVE ORDER 11652
AUTOMATICALLY DOWNGRADED AT TWO
YEAR INTERVALS AND DECLASSIFIED ON DEC. 31, 1978

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-- fixing a specific date and place for the Law of the Sea Conference, with two substantive sessions in 1974;

-- providing for an opening session of the Conference, devoted primarily to organizational matters, in the fall of 1973;

-- calling for an accelerated schedule of work by the U.N. Seabed Committee during 1973 in preparation for the Conference; and

-- stating that if the U.N. General Assembly, at its 28th Session, determines the progress of the preparatory work by the Seabed Committee to be insufficient, it may decide to postpone the Conference.

The Department of Defense attaches particular importance to the last of these provisions, believing that it is once again important to have an "escape clause" included in the U.N. resolution permitting the United States to make a thorough review of progress following the 1973 preparatory sessions before firmly committing the U.S. to a substantive conference. With your approval, I will issue the National Security Decision Memorandum (at Tab A) authorizing the U.S. Delegation to the U.N. General Assembly to support a law of the sea resolution along the lines outlined above.

Approve 

Disapprove _____

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